



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,089	10/17/2003	Sandra J. Dagan	86865SMR	9065

7590

05/03/2005

Paul A. Leipold
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

THORNTON, YVETTE C

ART UNIT

PAPER NUMBER

1752

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,089

Applicant(s)

DAGAN ET AL.

Examiner

Yvette C. Thornton

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10172003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is written in reference to application number 10/688,089 filed on October 17, 2003 and published as US 2005/0084789 on April 21, 2005.

Information Disclosure Statement

1. The Information Disclosure Statement(s) filed on October 17, 2003 has/(have) been entered and fully considered.

Notice

2. The present claim listing omits claim 33. The claims have been re-numbered according to 37 CFR 1.126.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Aylward et al. (US 2003/0219610 A1). Aylward teaches an imaging member comprising an imaging layer and a base wherein the said base comprises a polymer sheet having at least one oriented polymer core and adhered thereto at least one unoriented polymer layer (abstract). The preferred embodiment has an upper and a lower unoriented polymer layer subsequently to be called a flange layer (p. 0024). The said polymer core comprises a homopolymer such as polyolefin, polyester, or other typical thermoplastic polymers and blends thereof. It is intended that the core material be non-paper based [cl. 28]. Suitable examples include polypropylene, polyethylene and polystyrene (p.0027) wherein polypropylene is preferred. [cl. 7-8] Other solid phases may be present in the core layer also, in the form of fillers. Examples include

Art Unit: 1752

polymeric and fibrous fillers, crosslinked microbeads, and inorganic fillers such as glass, ceramic and CaCO_3 (p. 0027-0034). [cl. 9-11] In a preferred embodiment, polypropylene is used as the matrix polymer in the core along with CaCO_3 that can act as a voiding and/or opacifying agent. The taught unoriented “flange” layer can be made of the same polymeric materials as the taught core or it can be made with unoriented layers of a different polymeric composition. The preferred material includes high-density polyethylene, polypropylene polyester or polystyrene and blends thereof (p. 0037). [cl. 18] It may also be necessary to use other additives for improved coatability, opacity, stiffness and smoothness. Fillers used as stiffening agents can be inorganic or organic. Some commonly used materials include talc, clay, calcium carbonate, glass fibers, silica and carbon black (p. 0039). [cl. 19-20] Suitable colorants include alkaline metal silicates, such as talc, mica and clay. Pigments may also be used in any form that is conveniently dispersed with the flange (p. 0038) and the preferred pigment is titanium dioxide. [cl. 21]

5. The flange layers are chosen to satisfy specific requirements of flexural modulus, caliper, surface roughness and optical properties such as colorimetry and opacity. The flange members may be extrusion or adhesives coated (p. 0041) [cl. 29]. The preferred stiffness range is between 50 and 300 mN (p. 0043). [cl. 22] The suitable range in caliper of the core is from 50-305 μm (p. 0046) [cl. 12]. The density of the core should be from 0.45-1.3 g/cc (p. 0048). [cl. 1-3]. The limitations of the instant claims are anticipated within the taught range in the region of 0.9-1.3 g/cc (g/ml). Preferred flange caliper ranges between 10-175 μm [cl. 23]. The modulus of the core ranges between 30-1000 MPa [cl. 24]. The modulus of the flange sheets ranges from 700-10500 MPa [cl. 25]. The final choice of flange and core materials, modulus and caliper will be a subject of the target overall element stiffness and caliper (p. 0049-0051). While the taught invention is described as having at least three layers, a reduced density core and a flange layer on each side, the invention may also have additional layers that serve to change the properties of the oriented sheet (p. 0054) [cl. 26]. The unoriented structure may have more than one layer, for example a light sensitive silver halide gelatin may be optimized to adhere to polyethylene [cl. 27] (p. 0054).

Art Unit: 1752

6. In one preferred embodiment, in order to produce photographic elements, the composite support sheet is coated with a photographic element or elements. The said element can be single color elements or multi-color elements. Multicolor elements contain image dye-forming units sensitive to each of the three primary regions of the spectrum. Each unit can comprise a single emulsion or multiple emulsion layers sensitive to a given region of the spectrum. The layers of the element, including the layers of the image forming units can be arranged in various orders as known in the art. In an alternative format, the emulsions sensitive to each of the three primary regions of the spectrum can be disposed as a single segmented layer. The photographic emulsions are generally prepared by precipitating silver halide crystals in a colloidal matrix by methods conventional in the art. The colloid is typically a hydrophilic film-forming agent such as gelatin, alginic acid or derivatives thereof (p. 0083-0084). See also p. 0094 [cl. 30-32].

7. The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

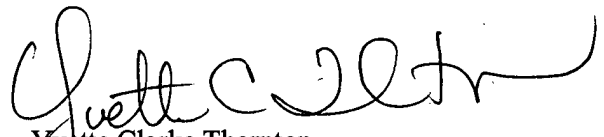
- Dagan et al. (US 2004/0258857 A1) pertaining to imaging media with high elastic modulus and improved long-term stability.
- Sunderrajan et al. (US 6,762,003 B2) pertaining to an image member with amorphous hydrocarbon resin.
- Dontula et al. (US 6,537,656 B2 & US 6,447,976 B1) pertaining to foam core imaging element with improved optical performance.

Art Unit: 1752

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvette C. Thornton whose telephone number is 571-272-1336. The examiner can normally be reached on Monday-Thursday 8-6:30.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvette Clarke Thornton
Primary Examiner
Art Unit 1752

yct
April 29, 2005